

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, DC 20554

In the Matter of	)	
	)	
Implementation of the Commercial	)	MB Docket No. 11-93
Advertisement Loudness Mitigation	)	
(CALM) Act	)	

Filed Electronically via ECFS - Attention: Chief, Media Bureau

**STREAMLINED FINANCIAL HARDSHIP WAIVER CERTIFICATION**

1. By this pleading and the attached certificate, Indiana Wesleyan University (“Licensee”) certifies that Class A Television Station WIWU-CD, Facility ID 29292, Marion, Indiana, requires a one-year delay to achieve compliance with the requirements of the Commercial Advertisement Loudness Mitigation Act (the “CALM Act”) and requests a waiver of the December 13, 2012 deadline for compliance.<sup>1</sup>

2. Pursuant to the streamlined waiver process set forth in the *Order*, Licensee requests waiver for WIWU-CD as “small broadcast station.”<sup>2</sup> Under the procedures adopted in the *Order*, a station seeking a waiver on this basis must certify to the Commission that it qualifies as a

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<sup>1</sup> Licensee asserts that Class A television stations are not at this time subject to CALM Act compliance requirements. This understanding is based on Footnote 17 of *Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act*, 26 FCC Rcd 17222 (2011) (the “*Order*”), which defines a subject “television broadcast station” as a station licensed under Subpart E of Part 73. Class A stations are licensed under Subpart J and thus do not come within the definition of “television broadcast station” in either the statute or the *Order*. Nevertheless, this waiver certification is filed by Licensee out of an abundance of caution, should the Commission interpret the CALM Act compliance requirements to apply to Class A television stations through a proper notice and rulemaking. The Licensee does not intend this filing to in any way concede that its Class A station is subject to the CALM Act.

<sup>2</sup> *Order* at 17253-54.

“small broadcast station” and that it requires a delay of one year to obtain equipment to avoid financial hardship.<sup>3</sup>

3. As set forth in the attached Certification of Dr. Randall King, Chair of the Division of Communication & Theatre Director of Broadcast Media of Indiana Wesleyan University, Licensee certifies that WIWU-CD satisfies the definition of “small broadcast station” by virtue of having less than \$14 million in gross annual receipts. Dr. King further certifies that, to avoid financial hardship, the Licensee requires a one-year delay to obtain the equipment necessary for WIWU-CD to comply with the CALM Act requirements.

4. Accordingly, Licensee respectfully requests a one-year waiver for WIWU-CD to comply with the CALM Act.

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Respectfully submitted:

By:   
Peter Tannenwald

Counsel Indiana Wesleyan University

December 13, 2012

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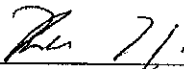
<sup>3</sup> *Id.*

CERTIFICATION OF DR. RANDALL KING

Randall King hereby certifies as follows:

1. I am Chair of the Division of Communication & Theatre Director of Broadcast Media of Indiana Wesleyan University.
2. Indiana Wesleyan University is the licensee of Class A television station WIWU-CD, Marion, Indiana. I am responsible for supervision of the operation of that station.
3. During calendar year 2011, WIWU-CD had less than \$14 million in annual gross receipts. WIWU-CD's annual gross receipts for 2012 will also be less than \$14 million.
4. I estimate that to achieve CALM Act compliance for Station WIWU-CD will cost between \$4,000 and \$10,000 for encoders, software, and ancillary equipment. WIWU-CD is operated by the University and does not sell advertising, so it has very limited revenue potential.
5. Accordingly, Indiana Wesleyan University hereby requests a one-year waiver of the December 13, 2012, compliance deadline.

December 12, 2012

  
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Randall King, Ph.D